

REMARKS

Claims 3 and 12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Soumyanath et al. '892 ("Soumyanath"), and claims 5 and 14 stand rejected under 35 U.S.C. § 103 as being unpatentable over Soumyanath. These rejections are respectfully traversed for the following reasons.

Each of claims 3 and 12 recite in pertinent part, "the timing at which the first switching element is turned ON/OFF and the timing at which the second switching element is turned ON/OFF are the same." Soumyanath, on the other hand, appears silent as to providing the same timing for the alleged switching elements M1, M2, let alone suggest the means by which to effect the same timing. Indeed, the input signals V_{in+} and V_{in-} appear to be conventional switch control signals for effecting ON/OFF of the transistors M1, M2. Soumyanath does not disclose the need or desire for providing approximately the same timing for the respective switching elements, and therefore does not suggest the needed control to effect such timing.

One exemplary embodiment of the present invention by which one can effect the claimed timing is described on page 11, line 22 – page 12, line 7 of Applicants' specification. For example, the reference potential V_{ctrl} can be set to a value close to an intermediate potential (1.25 V) of the maximum value (2.5 V) and the minimum value (0 V) of the gate potential of the N-channel MOS transistors M1, M2 minus the threshold potential (about 0.5 V) of the N-channel MOS transistors M1, M2. That is, the reference potential V_{ctrl} can be set to a value close to 0.75V whereby the N-channel MOS transistors M1, M2 can be switched at 1.25 V, that is, at the median of the amplitude of the differential signals (D, ND) from the internal circuitry. Accordingly, the N-channel MOS transistors M1, M2 which can be switched in a complementary manner can also be turned ON/OFF at approximately the same timing. As a result, the differential data from the output terminals TD,

NTD cross near the center (near the intersection P1 in FIG. 10 of Applicants' drawings), whereby a differential skew can be suppressed.

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently (noting that "inherency may not be established by probabilities or possibilities", *Scaltech Inc. v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999)), in a single prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the forgoing, it is submitted that Soumyanath does not anticipate claims 3 and 12, nor any claim dependent thereon. The Examiner is directed to MPEP § 2143.03 under the section entitled "All Claim Limitations Must Be Taught or Suggested", which sets forth the applicable standard:

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (citing *In re Royka*, 180 USPQ 580 (CCPA 1974)).

In the instant case, the pending rejection does not "establish *prima facie* obviousness of [the] claimed invention" as recited in the pending claims because the cited prior art fails the "all the claim limitations" standard required under § 103.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claims 3 and 12 are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination. Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 102/103 be withdrawn.


CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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